

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

VOIP-PAL.COM, INC.,

Plaintiff,

v.

APPLE INC.,

Defendant.

CIVIL ACTION NO. 6:21-cv-670-ADA

VOIP-PAL.COM, INC.,

Plaintiff,

v.

AT&T CORPORATION;
AT&T SERVICES, INC.; and
AT&T MOBILITY, LLC,

Defendants.

CIVIL ACTION NO. 6:21-cv-671-ADA

VOIP-PAL.COM, INC.,

Plaintiff,

v.

VERIZON COMMUNICATIONS, INC.;
CELLCO PARTNERSHIP dba VERIZON
WIRELESS;
VERIZON SERVICES, CORP.; and
VERIZON BUSINESS NETWORK
SERVICES, INC.,

Defendants.

CIVIL ACTION NO. 6:21-cv-672-ADA

[PROPOSED] ORDER GRANTING
PLAINTIFF VOIP-PAL.COM, INC.'S CONSOLIDATED APPLICATION FOR
TEMPORARY RESTRAINING ORDER AND MOTION FOR PRELIMINARY
INJUNCTION AGAINST DEFENDANTS APPLE, INC.; AT&T CORPORATION;
AT&T SERVICES, INC.; AT&T MOBILITY, LLC; VERIZON COMMUNICATIONS,
INC.; CELLCO PARTNERSHIP dba VERIZON WIRELESS; VERIZON SERVICES,
CORP.; AND VERIZON BUSINESS NETWORK SERVICES, INC. UNDER THE FIRST-
TO-FILE RULE

BEFORE THE COURT is Plaintiff VoIP-Pal.com, Inc.'s Consolidated Application for Temporary Restraining Order and Motion for Preliminary Injunction against Defendants Apple, Inc.; AT&T Corporation; AT&T Services, Inc.; AT&T Mobility, LLC; Verizon Communications, Inc.; Cellco Partnership dba Verizon Wireless; Verizon Services, Corp.; and Verizon Business Network Services, Inc. under the First-To-File Rule. The Court has considered the Application and the Motion and finds as follows:

The Application for a Temporary Restraining Order is GRANTED. The Court finds that the status quo should be maintained pending the Court's evaluation of, and ruling on, a preliminary injunction. The Court finds a substantial risk of irreparable harm to VoIP-Pal, and to the jurisdiction of this Court, if Defendants were to attempt to further pursue their respective declaratory-judgment actions against VoIP-Pal. In contrast, the harm to Defendants of maintaining the status quo is negligible.

IT IS THEREFORE ORDERED THAT, effective immediately, Defendants Apple, Inc.; AT&T Corporation; AT&T Services, Inc.; AT&T Mobility, LLC; Verizon Communications, Inc.; Cellco Partnership dba Verizon Wireless; Verizon Services, Corp.; and Verizon Business Network Services, Inc., and all of their affiliates, officers, directors, shareholders, employees, and counsel, or those in active concert with them, shall refrain from further pursuing or prosecuting their respective declaratory-judgment actions in the Northern

District of California Case Nos. 3:21-cv-5078 (AT&T), 3:21-cv-5110 (Apple), 3:21-cv-5275 (Verizon) against VoIP-Pal.

IT IS FURTHER ORDERED THAT: Defendants shall show cause concerning why a preliminary injunction should not issue against Defendants enjoining them, pending the final hearing and determination of this action, from such activities as is described above and as Defendants have been temporarily enjoined from.

If the Court determines that an oral hearing should be held, then it will inform the parties by a separate order.

Because Defendants will not suffer harm by continuing to be subject to the legitimate jurisdiction of this Court, the Court waives Rule 65(c)'s security requirement.

This Order shall expire on its own terms on the ____ of ____, unless further extended by Order of this Court.

For good cause shown and upon written application to the Court, this Order may be extended for a longer period determined by the Court.

Alternatively, the Court orders that Defendants voluntarily dismiss, stay, or consent to transfer Case Nos. 5:21-cv-5078 (NDCAL), 5:21-cv-5110 (NDCAL), and 5:21-cv-5275 (NDCAL) to this District so that they may be consolidated with the above-captioned cases.

IT IS SO ORDERED.

SIGNED this _____ day of _____, 2021.

HONORABLE ALAN D ALBRIGHT
UNITED STATES DISTRICT COURT JUDGE